



PATENT
ATTORNEY DOCKET NO. 047255-5004

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JL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David W. JOHNSON *et al.*

Application No.: 10/698,424

Group Art Unit: 1638

Filed: November 3, 2003

Examiner: Keith Robinson

For: ALFALFA PLANTS HAVING IMPROVED STANDABILITY AND/OR FAST RECOVERY AFTER HARVEST AND METHODS FOR PRODUCING SAME

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

**RESPONSE TO RESTRICTION
REQUIREMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Response to Restriction Requirement under 37 U.S.C.. § 121 in response to the Office Action dated May 26, 2005.
2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicant petitions for a three-month extension of time, the fee for which is \$510.00. If an additional extension of time is required, please consider this a Petition therefor.

3. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	29	minus	34	-0-	x \$50 each=	+ \$ -0-
Independent Claims (37 C.F.R. §1.16(b))	3	minus	12	-0-	x \$200 each=	+ \$ -0-
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$ -0-
SUB-TOTAL =						\$ -0-
Reduction by ½ for filing by a small entity						- \$ -0-
TOTAL FEE =						\$ -0-

5. Fee Payment

- The Commissioner is hereby authorized to charge **\$510.00** to Deposit Account 50-0310.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 26, 2005

By:


Erich E. Veitenheimer
Reg. No. 40,420

CUSTOMER NO. 09629

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Communication mailed May 26, 2005, applicant hereby elects with traverse the invention defined by the Examiner as Invention III (claim 15).

A listing of the claims as now amended begins at page 2 of this paper.